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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,283	02/06/2001	Adrian P. Wise	94100420(EP)USC1X1C1D9 PD	7389

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,283

Applicant(s)

WISE ET AL.

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 12 are presented for examination.

Response to Remarks

2. As per remarks, Applicants' argued that (1) Krause does not show a processor for operating on data streams of data having portions encoded by respectively different compression standards.
3. As to point (1), Krause discloses a processor [i.e. circuitry] [40, Figure 3 and Figure 4A] which can perform the above function [i.e. compressed in various formats] [col 2, lines 8-41].
4. As per remarks, Applicants' argued mostly (2) about the definition and the function of "token" and "token generator" that are not disclose in Krause nor Dargel references.
5. As to point (2), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "token" is defined as universal adaptation unit in the form of an interactive interfacing messenger package for control and/or data functions.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

Art Unit: 2154

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It would have been more helpful to include token's definition in the claimed language to clarify the invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause et al. [US Patent No 5091782], in view of Dargel et al. [US Patent No 4398176].

8. As per claim 1, Krause discloses the invention as claimed including a decoder comprising:

a processor for operating on data streams of data having portions encoded by respectively different compression standards [Abstract, lines 1-4; col 3, lines 15-37; and claim 21];

a token generator [col 10, lines 12-14];

the processor being conditioned to process the at least one data token according to the different compression standard to which the generated control token corresponds [col 10, lines 9-38].

Krause does not disclose

Art Unit: 2154

a token generator responsive to the encoded data stream for generating at least one data token and a control token corresponding to each of the different compression standards.

Dargel discloses

a token generator responsive to the encoded data stream for generating at least one data token and a control token corresponding to each of the different compression standards [col 6, lines 37-43].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Krause and Dargel because Dargel's teaching would provide support to different compression standards without having to add new hardware to the system.

9. As per claim 2, Krause discloses at least one of the stages being conditioned to process the at least one data token according to the different compression standard to which the generated control token corresponds [col 10, lines 9-38]. Krause does not disclose a pipeline processor having stages. Dargel discloses a pipeline processor having stages [Figure 1].

10. As per claim 3, Dargel discloses the at least one data token is altered by the at least one of the stages [claim 2].

11. As per claim 4, it is rejected for similar reason as stated above in claim 3. Furthermore, Dargel discloses the at least data token is conveyed to another one of the stages for further processing [col 5, lines 5-25].

Art Unit: 2154

12. As per claim 5, Krause discloses the token generator resides in one of the stages [132, Figure 8].

13. As per claim 6, Dargel discloses the generated control token interfaces with each of the stages [Abstract; col 6, lines 35-37].

14. As per claim 7, Dargel discloses the generated control token interacts with predetermined ones of the stages [Abstract].

15. As per claim 8, Dargel discloses the at least one data token is altered by the predetermined ones of the stages [col 2, lines 66-col 3, lines 13].

16. As per claim 9, Dargel discloses the generated control token interacts with adjacent ones of stages [col 8, lines 50-col 9, lines 3].

17. As per claim 10, Dargel discloses the generated control token interacts with non-adjacent ones of the stages [col 3, lines 59-67].

18. As per claims 11 and 12, they are method claimed of claims 1 and 3, they are rejected for similar reasons as stated above in claims 1 and 3.

Art Unit: 2154

19. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 306-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100